

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION See paragraph 2 below

International application No.
PCT/EP2004/050433

International filing date (day/month/year)
02.04.2004

Priority date (day/month/year)
04.04.2003

International Patent Classification (IPC) or both national classification and IPC
B62D1/04, B60K28/00, B60T8/00

Applicant
FERRARI S.P.A.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/050433

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/050433

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	

Inventive step (IS)	Yes: Claims	2-7,10,11
	No: Claims	1,8,9

Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: US 2003/023353 A1 (BADARNEH ZIAD) 30 January 2003 (2003-01-30)
- D2: DE 39 41 665 A (BAYERISCHE MOTOREN WERKE AG) 20 June 1991 (1991-06-20)
- D3: DE 197 47 269 A (BAYERISCHE MOTOREN WERKE AG) 29 April 1999 (1999-04-29)

1. Inventive Step:

1.1 Document D1 discloses (see fig. 15):

A vehicle comprising a passenger compartment having a steering wheel (5) operated by the driver to steer the vehicle; a central control unit which supervises operation of active components of the vehicle, and modifies the operating parameters of the active components to modify the dynamic performance of the vehicle (see D1, §19, in which the control of various transmission modes, for instance normal, winter or sports mode, is mentioned); and a selection device (see for instance the switch of fig. 15) which is located inside the passenger compartment of the vehicle, and is operated by the driver to transmit a selected dynamic performance of the vehicle to the central control unit; wherein the selection device comprises a switch fitted to the steering wheel of the vehicle and rotatable between several different positions, each corresponding to a respective dynamic performance of the vehicle (in this case the different transmission modes mentioned above).

The subject matter of claim 1 differs from this disclosure in that at least four different positions relating to dynamic performance are mentioned. It is however well known to the skilled person that, in addition to the dynamic transmission control modes (normal, winter, sports modes) mentioned in D1, other modes can be programmed, the most common example of which would be economy mode. Therefore the subject matter of claim 1 is not considered as fulfilling the requirements of Article 33(3) PCT.

1.2 Furthermore document D2 discloses (see fig. 2):

A vehicle comprising a passenger compartment having a steering wheel (6) operated by the driver to steer the vehicle; a central control unit which supervises operation of active components of the vehicle, and modifies the operating parameters of the active components to modify the dynamic performance of the vehicle (see D2, column 2, lines 29-40, in which five dynamic transmission modes S (sporting), E (economy), M (manual), L (load) and W (winter) are mentioned); and a selection device (see button switches (9) which is located inside the passenger compartment of the vehicle, and is operated by the driver to transmit a selected dynamic performance of the vehicle to the central control unit; wherein the selection device comprises a switch fitted to the steering wheel of the vehicle and operable between at least four different positions, each corresponding to a respective dynamic performance of the vehicle (in this case the five different transmission modes mentioned above).

The subject matter of claim 1 differs from this disclosure in that the switch is rotatable between the at least four different positions.

This solves the problem of reducing the number of switching devices on the steering wheel and thus avoiding confusion for the driver.

As an identical solution to the same problem is already disclosed in document D3 (see D3, column 1, lines 45-50 and fig. 1), the solution according to claim 1 of the present application is not considered as fulfilling the requirements of Article 33(3) PCT.

- 1.3 Claims 8 & 9 are also not considered as fulfilling the requirements of Article 33(3) PCT, as the features of these claims are either considered to be disclosed in documents D1 & D3 (claim 8), or to be constructional details (claim 9).

2. Further remarks

The subject matter resulting from the combination of all features of claims 1 and 2, or from that of claims 1 & 10, would be considered as fulfilling the requirements of Articles 33(2) (novelty) and 33(3) (inventive step) PCT.